

REMARKS

Responsive to the Office Action mailed August 13, 2007, Applicants provide the following. The claims have been amended without adding new matter. Claims 1, 12, 15, 16, 19, 21 and 25 have been amended. Twenty-five (25) claims remain pending in the application: Claims 1-25. Reconsideration of claims 1-25 in view of the amendments above and remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues, it is respectfully requested that the Examiner telephone the undersigned at (805) 541-2800 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. §103

1. Claims 1-6, 8-12, 15-17, 20, and 25 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Publication No. 2003/0140090 (Rezvani et al.) in view of U.S. Patent No. 7,068,309 (Toyama et al.). Applicants respectfully traverse these rejections in that the combination of Rezvani and Toyama fails to teach or make obvious all the limitations set forth by the rejected claims. For example, claim 1 recites in part:

showing the content on a display device;
receiving a vote on the content, wherein the vote reflects the quality of the content; and
updating the profile information associated with the content to reflect the vote

Specifically, the combination of Rezvani and Toyoma fails to teach or suggest at least receiving a vote on the content, wherein the vote reflects the quality of the content as recited in amended independent claim 1. The office action admits that the Rezvani publication does not teach or suggest at least receiving a vote on the content and updating the profile information associated with the content to reflect the vote. Applicants submit that the Toyoma patent also does not teach or suggest receiving a vote on the content, wherein the vote reflects the quality of the content as recited in amended claim 1. Instead, Toyoma only discloses a “user rating, allows the user to rate

each image cited in a search to indicate how accurately it matched their search criteria” (Toyoma, col. 14, lines 18-20). The office action has equated the user rating of Toyoma to the vote as recited in independent claim 1. However, Applicants respectfully submit that Toyoma does not describe or address receiving a vote on the content, wherein the vote reflects the quality of content. Instead, the “user rating” of Toyoma merely discloses allowing a user to determine how relevant the search matches their search criteria and not a “vote” that “reflects the quality of content” as recited in amended independent claim 1.

In addition, one skilled in the art would not incorporate the “user rating” (Toyoma, col. 14, lines 18-20) of Toyoma with the “methods for capturing content and publishing the content on a remote system” (Rezvani, [0007]) disclosed by Rezvani as the user rating would provide no benefit and there is no reason to combine the user rating of Toyoma with the published content on a remote system as described in Rezvani. The office action asserts that the reason to combine Rezvani and Toyoma was because “weighting relevancy in searching content (Column 14, line 24) is useful regardless of what the content is since by giving weight to relevance we can sort the relevancy and improve search results” (Office Action, page 4, lines 5-7). However, Applicants respectfully submit that one skilled in the art would not incorporate the user rating to the system described by Rezvani since Rezvani does not disclose searching for content. Instead, Rezvani discloses a system that “provides users with opportunities to remotely control and monitor devices” where “upon validation, the captured content may be published to (e.g. stored on web server 46 for publication in a web page) the user’s account. When the user accesses his or her account, the content may be provided in a display” (Rezvani, [0045] and [0084]). There is no searching needed by Rezvani, since the published content is already pre-associated with a user’s account and therefore the content is either accessible or not accessible to the user. Therefore, amended independent claim 1 is not obvious by Rezvani in view of Toyoma.

Claims 2-14 depend from claim 1. Therefore claims 2-14 are also not obvious by Rezvani in view of Toyoma due at least to their dependency on allowable claim 1.

With regards to amended independent 15, the language found in claim 15 is

similar to the language found in amended independent claim 1, therefore the arguments presented above are equally applicable to claim 15. In addition, claim 15 has also been amended to incorporate language such as:

means for showing the content on a display device;
means for receiving a vote on the content, wherein the vote reflects the quality of the content; and
means for updating the profile information associated with the content to reflect the vote

As asserted above with regards to independent claim 1, the combination of Rezvani and Toyoma fails to teach or suggest at least means for receiving a vote on the content, wherein the vote reflects the quality of the content as recited in amended independent claim 15. In addition, as mentioned above, one skilled in the art would not incorporate the “user rating” (Toyoma, col. 14, lines 18-20) of Toyoma with the “methods for capturing content and publishing the content on a remote system” (Rezvani, [0007]) disclosed by Rezvani. Therefore, amended independent claim 15 is not obvious by Rezvani in view of Toyoma.

Regarding claim 12, the combination of Rezvani and Toyoma further fails to teach or make obvious at least a rating value is determined for the content based on the vote. As mention above with regards to claim 1, the user rating disclosed by Toyoma is merely used to weight the relevancy of the search results and not a vote which reflects the quality of content. The office action equates the “user rating” of Toyoma to the vote found in the language of claim 12. However, it appears that the office action has applied the “user rating” to both the “rating value” and the “vote” found in the language of claim 12. Applicants respectfully submit, however, that the user rating of Toyoma may not be both the rating value and the vote found in claim 12. At most, Toyoma merely discloses a user rating which “allows the user to rate each image cited in a search to indicate how accurately it matched their search criteria” and a “low score will then come to the attention of the image’s owner” (col. 14, lines 18-27). Applicants assert that while Toyoma discloses a low score, Toyoma does not specifically disclose how the low score

is based on the user rating. Therefore, claim 12 is not obvious by Rezvani in light of Toyoma.

With regards to independent claim 16, the combination of Rezvani and Toyoma fails to teach or make obvious all the limitations set forth in the language of claim 16. For example, claim 16 recites in part:

receiving a vote on the content from each of the plurality of viewers, wherein the vote reflects the quality of the content;
determining a rating value for the content based on the vote; and
displaying the content to the plurality of viewers based on the rating value of the content.

Specifically, the combination of Rezvani and Toyoma fails to teach or make obvious at least receiving a vote on the content from each of the plurality of viewers, wherein the vote reflects the quality of the content; determining a rating value for the content based on the vote; and displaying the content to the plurality of viewers based on the rating value of the content as recited in claim 16. As demonstrated above, the combination of the Rezvani publication and the Toyoma patent fails to teach or suggest at least “receiving a vote on the content... wherein the vote reflects the quality of the content” or “determining a rating value for the content based on the vote” as recited in claim 16. Therefore, the same arguments as presented above are equally applicable to claim 16, and thus, amended claim 16 is also not anticipated or made obvious by Rezvani and Toyoma. In addition, Applicants respectfully assert that the combination of Rezvani and Toyoma also do not teach or make obvious at least displaying the content to the plurality of viewers based on the rating value of the content. Instead, Toyoma returns search results to a user, where the search can return “1) metadata of the photo; 2) a thumbnail of the photo; 3) relevancy of the current query; and 4) whether the owner is connected” (col. 6, lines 24-27). Applicants respectfully assert that Toyoma returns search results to the user, and not the content itself. In addition, the search results of Toyoma are merely displaying

information about the content which is also not the content itself. Therefore, independent claim 16 is not anticipated or made obvious by Rezvani in light of Toyoma.

Claims 17-20 depend from claim 1. Therefore claims 17-20 are also not obvious by Rezvani in view of Toyoma due at least to their dependency on allowable claim 16.

Regarding amended independent claim 25, the combination of Rezvani and Toyoma fails to teach or make obvious all the limitations set forth in the language of claim 25. Claim 25 has been rejected under similar grounds as claim 16 and further recites similar limitations as found in claim 16. In addition, claim 25 also incorporates the same amendment as found in amended claim 16. Therefore, the same arguments as presented above are equally applicable to claim 25, and thus, amended claim 25 is also not anticipated or made obvious by Rezvani in light of Toyoma.

2. Claim 7 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Publication No. 2003/0140090 (Rezvani et al.) in view of U.S. Patent No. 7,068,309 (Toyoma et al.). and further in view of U.S. Publication No. 2002/0065678 (Peliotis et al.). Applicants respectfully traverse the rejection in that the combination of Rezvani, Toyoma, and Peliotis fails to teach or make obvious all the limitations set forth by the rejected claims. Specifically, Applicants demonstrated above that the combination of Rezvani and Toyoma fails to teach or make obvious all the limitations as recited in claim 1, and the Peliotis publication also fails to teach or make obvious at least those limitations demonstrated above as not being taught or made obvious by Rezvani and Toyoma. Therefore claim 7 is also not obvious over the applied combination.

3. Claims 13 and 14 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Publication No. 2003/0140090 (Rezvani et al.) in view of U.S. Patent No. 7,068,309 (Toyoma et al.) and further in view of U.S. Patent No. 7,028,323 (Franken et al.). Applicants respectfully traverse this rejection in that the combination of Rezvani, Toyoma, and

Franken do not teach or make obvious all the limitations set forth by the rejected claims. Specifically, Applicants demonstrated above that the combination of Rezvani and Toyama fails to teach or make obvious all the limitations as recited in claim 1, and the Franken patent also fails to teach or make obvious at least those limitations demonstrated above as not being taught or made obvious by Rezvani and Toyama. Therefore claims 13 and 14 are not obvious by Rezvani in view of Toyama and in further view of Franken.

With further regard to claim 14, the combination of Rezvani, Toyoma, and Franken do not teach or make obvious selectively displaying the content based on the comparing the rating value. Instead, Franken discloses that “if the show has sufficiently high ranking or ratings, then it could be selected to be recorded by video recorder” (col. 4, lines 24-26). Franken discloses recording the show rather than displaying the show on the content, however, Franken does not disclose displaying the content based on the comparing the rating value. For the show to be displayed, the user would have to make an additional determination to display the recorded show. Franken displays the show based on user selection and does not perform “displaying the content based on the comparing the rating value.” Therefore, claim 14 is not anticipated or made obvious by Rezvani in view of Toyoma and in further view of Franken.

In addition, the office action states that Franken and Toyoma are analogous arts because they “both involve solving the endeavor of sorting multiple contents in a relevant fashion and both involve obtaining user ratings” (Office Action, page 12, lines 17-18). Applicants respectfully assert that one skilled in the art would not incorporate the user ratings disclosed in both Franken and Toyoma together. While both Franken and Toyoma disclose user ratings, the user ratings are not analogous since they are directed towards two different areas. The user rating as described by Toyoma “allows the user to rate each image cited in a search to indicate how accurately it matched their search criteria” (Toyoma, col. 14, lines 18-20). However, the “ratings” of Franken are the rankings which correspond to “programs which receive the highest viewership” (Franken, col. 3, lines 48-49).

4. Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a), as being

unpatentable over U.S. Publication No. 2003/0140090 (Rezvani et al.) in view of U.S. Patent No. 7,068,309 (Toyoma et al.) and in further view of U.S. Patent No. 7,054,827 (Lautzenheiser et al.). Applicants respectfully traverse these rejections in that the combination of Rezvani, Toyoma, and Lautzenheiser fails to teach or make obvious all the limitations set forth by the rejected claims. Specifically, Applicants demonstrated above that the combination of Rezvani and Toyoma failed to teach all the limitations as recited in independent claim 16, and the Lautzenheiser patent also fails to teach at least those limitations demonstrated above as not being taught by Rezvani and Toyoma. Therefore, claims 18 and 19 are also not obvious over the applied combination.

With further regard to amended claim 19, the combination of Rezvani, Toyoma and Lautzenheiser fails to teach or make obvious comparing the number of viewers with a predetermined minimum number of votes, wherein the content is not displayed if the number of viewers does not meet the predetermined minimum number of votes. Instead, Lautzenheiser discloses checking “the number of responses for selected answers in the survey database to ensure that corresponding user requests are based on a statistically significant sample size, or the user is notified otherwise” (Lautzenheiser, col. 32, lines 7-11). Applicants respectfully submit, however, that Lautzenheiser merely discloses notifying the user if there is not a statistically significant sample size and does not disclose content is not displayed if the number of viewers does not meet the predetermined minimum number of votes. Therefore, claim 19 is not obvious by Rezvani in view of Toyoma and in further view of Lautzenheiser.

5. Claims 21-24 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Publication No. 2003/0140090 (Rezvani et al.) in view of U.S. Patent No. 7,068,309 (Toyoma et al.) and in further view of U.S. Publication No. 2002/0065678 (Peliotis et al.). Applicants respectfully traverse these rejections in that the combination of Rezvani, Toyoma and Peliotis fails to teach or make obvious all the limitations set forth in at least independent claim 21. Specifically, claim 21 recites in part “a content rating module receives a rating value from a viewer for the content and updates the profile information associated with the content,

wherein the rating value reflects the quality of the content.” Similar to the arguments presented above, Toyoma does not disclose a rating value which reflects the quality of content, but rather, Toyoma discloses a user rating which “allows the user to rate each image cited in a search to indicate how accurately it matched their search criteria” (Toyoma, col. 14, lines 18-20). The “user rating” of Toyoma merely discloses allowing a user to determine how relevant the search matches their search criteria and not a “rating value” that “reflects the quality of content” as recited in amended independent claim 21. Therefore, claim 21 is not obvious by Rezvani in view of Toyoma and in further view of Peliotis.

Claims 22-24 depend from claim 21. Therefore, claims 22-24 are also not obvious by Rezvani in view of Toyoma and in further view of Peliotis due at least to their dependency on allowable claim 21.

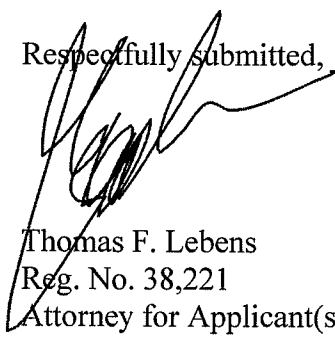
Regarding claim 24, the applied combination does not teach or suggest a rendering module for selectively formatting the content for display to the viewer based on the rating values associated with the content. The office action cites col. 15, lines 25-40 of Toyoma to assert that the “central server is the rendering module in this case, it formats the content in thumbnail view” (Office Action, page 18, lines 20-21). Applicants respectfully submit, however, that Toyoma does not disclose a rendering module for formatting the content for display to the viewer based on the rating values associated with the content. Instead, Toyoma discloses “the central server 202 sends the search results to the client including (in any combination) the metadata of each image, a thumbnail view of each image, each image’s relevancy score to the current query and whether the owner of the image is on the network” (Toyoma, col. 15, lines 35-40). The search result of Toyoma will always return a thumbnail view of the image, regardless of the rating value of the image. Toyoma does not disclose formatting the content for display based on the rating values associated with the content. Therefore claim 24 is also not anticipated by Rezvani in view of Toyoma and in further view of Peliotis.

CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Dated: 11/13/2007

Respectfully submitted,


Thomas F. Lebens
Reg. No. 38,221
Attorney for Applicant(s)
(805) 541-2800

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603

Direct telephone inquiries to:
Thomas F. Lebens
(805) 541-2800
San Luis Obispo, California Office of
FITCH, EVEN, TABIN & FLANNERY